

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION CONCERNING  
TRANSMITTAL OF COPY OF INTERNATIONAL  
PRELIMINARY REPORT ON PATENTABILITY  
(CHAPTER I OF THE PATENT COOPERATION  
TREATY)

(PCT Rule 44bis.1(c))

To:

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Date of mailing ( <i>day/month/year</i> ) 23 March 2006 (23.03.2006)		
Applicant's or agent's file reference IGT1P208FX1.WO		IMPORTANT NOTICE
International application No. PCT/US2004/029912	International filing date ( <i>day/month/year</i> ) 14 September 2004 (14.09.2004)	
		Priority date ( <i>day/month/year</i> ) 15 September 2003 (15.09.2003)
Applicant IGT et al		

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

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# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference IGT1P208FX1.WO	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/US2004/029912	International filing date ( <i>day/month/year</i> ) 14 September 2004 (14.09.2004)	Priority date ( <i>day/month/year</i> ) 15 September 2003 (15.09.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant IGT			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 14 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Box No. I    | Basis of the report   |
| <input checked="" type="checkbox"/> Box No. II   | Priority  |
| <input checked="" type="checkbox"/> Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/> Box No. IV              | Lack of unity of invention  |
| <input checked="" type="checkbox"/> Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI              | Certain documents cited   |
| <input checked="" type="checkbox"/> Box No. VII  | Certain defects in the international application  |
| <input checked="" type="checkbox"/> Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 740 14 35	Date of issuance of this report 16 March 2006 (16.03.2006)
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# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 07 JAN 2005

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To:

see form PCT/ISA220

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2004/029912

International filing date (day/month/year)  
14.09.2004

Priority date (day/month/year)  
15.09.2003

International Patent Classification (IPC) or both national classification and IPC  
G07F17/82

Applicant  
IGT

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☐ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA220.

### 3. For further details, see notes to Form PCT/ISA220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2004/029912

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2004/029912

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**Box No. II    Priority**

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1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
4. Additional observations, if necessary:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2004/029912

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,  
☒ claims Nos. 29-42

because:

- ☒ the said international application, or the said claims Nos. 29-42 relate to the following subject matter which does not require an international preliminary examination (*specify*):

**see separate sheet**

- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 29-42
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
- |                            |  |
|----------------------------|--|
| the written form           | <input type="checkbox"/> has not been furnished            |
|                            | <input type="checkbox"/> does not comply with the standard |
| the computer readable form | <input type="checkbox"/> has not been furnished            |
|                            | <input type="checkbox"/> does not comply with the standard |
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- ☐ See separate sheet for further details

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2004/029912

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-28,42-49
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-28,42-49
Industrial applicability (IA)	Yes: Claims	1-28,42-49
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Re Item I**

**Basis of the report**

1. Prior Art

Reference may be made to the following documents:

- D1: EP-A-1 341 135 (ARISTOCRAT TECHNOLOGIES AU) 3 September 2003  
(2003-09-03)  
D2: EP-A-1 199 690 (WMS GAMING INC) 24 April 2002 (2002-04-24)  
D3: WO 03/063019 A (MIKOHN GAMING CORP) 31 July 2003 (2003-07-31)

2. Summary

None of the claims, as far as an opinion is being established, comprise an inventive step within the meaning of Article 33(3) PCT. The claims are not clear and thus violating Article 6 PCT.

**Re Item III**

**Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

3. The present application relates to schemes, rules and methods of playing games within the meaning of Rule 39.1(iii) PCT. It is therefore in the present case expedient to analyse first the technical character of the claim features. Before approaching the requirements of sufficient disclosure of the invention as well as the inventive step of the invention, it is necessary to establish if there is an invention present, and if so, what this invention might be. The starting point and the basis of the invention is a method for conducting at least one wagering game and an associated progressive jackpot which as such is missing any technical character. Therefore, it is appropriate to identify first the claim features which define this non-technological part of the invention. This is to be done for all independent claims.

**Independent Claim 1**



4. The purely gaming-related aspects of claim 1 are considered to be displayed in the following claimed features:

A method for conducting at least one wagering game and an associated progressive jackpot over plurality of gaming units at which a player may be awarded a progressive jackpot award from the progressive jackpot, wherein at least two of the gaming units have different maximum wager amounts that a player may wager on an occurrence of the at least one wagering game, the method comprising:

- receiving a deposit of an amount of a medium of currency by a player at a gaming unit;
- receiving input for a player's wager on an occurrence of a wagering game at an input device of the gaming unit;
- subtracting the amount of the player's wager on the occurrence of the wagering game from the player's available credit at the gaming unit in response to receiving the input for the player's wager;
- determining an outcome for the player for the occurrence of the wagering game; and
- the award to the player being in response to determining that the player's outcome for the occurrence of the wagering game is a predetermined progressive jackpot winning outcome, wherein the progressive jackpot award is equal to at least a portion of a progressive jackpot pool multiplied by the ratio of the player's wager on the occurrence of the wagering game to a gaming network maximum wager amount that may be wagered on an occurrence of one of the at least one wagering game at a gaming unit of the gaming network.

5. As a result of this, the technical aspects of the claimed invention relates to:

A method for conducting a game over a network having a plurality of operatively coupled gaming units at which a player may be awarded an award, the method comprising:

- receiving a deposit of an amount of a medium of currency by a player at a gaming unit;
- receiving input at an input device of the gaming unit;

- wherein the players available credit corresponds to the amount of the medium of currency deposited at the gaming unit;
- awarding an award to the player.

This matter will later on be examined with respect to novelty and/or inventive step.

#### **Independent Claim 6**

6. For the same reasons as listed under section 3 above, the claimed features of claim 6 are also separated into technical and non-technical features. It is to be noted that the "displaying the player's available credit at the gaming unit", in whatever way, seems to have no technical effect; this is therefore considered to be the mere displaying of information. Consequently, the technical features of claim 6 are:

A method for conducting a game over a network having a plurality of operatively coupled gaming units at which a player may be awarded an award, the method comprising:

- receiving a deposit of an amount of a medium of currency by a player at a gaming unit;
- receiving input for a player's wager at an input device of the gaming unit;
- awarding an award to the player.

This matter will later on be examined with respect to novelty and/or inventive step. It is noted that these technical features are also present in all the list of technical features of claim 1.

#### **Independent Claim 12**

7. For the same reasons as listed under section 3 above, the claimed features of claim 12 are also separated into technical and non-technical features. As a result of this, the technical aspects of the claimed invention relates to:

A method for conducting a game a network, comprising:

- receiving a deposit of an amount of a medium of currency by a player at a

- gaming unit of the gaming network;  
- receiving input at an input device of the gaming unit.

This matter will later on be examined with respect to novelty and/or inventive step. It is noted that these technical features are also present in all the list of technical features of claim 1.

**Independent Claim 20**

8. For the same reasons as listed under section 3 above, the claimed features of claim 20 are also separated into technical and non-technical features. As a result of this, the technical aspects of the claimed invention relates to:

A network computer having a plurality of operatively coupled gaming units comprising:

- a network computer memory device; and
- a network computer controller operatively coupled to the network computer memory device and the gaming units,
- the network computer controller being programmed,
- the network computer controller being configured to receive information transmitted by the gaming units on the gaming network,
- the network computer controller being programmed to cause the network computer memory device to store.

This matter will later on be examined with respect to novelty and/or inventive step.

**Independent Claim 29 and 36**

9. For the same reasons as listed under section 3 above, the claimed features of claims 29 and 36 are also separated into technical and non-technical features. As a result of this, the technical aspects of the claimed inventions relate to:

- nothing -

Claims 29 and 36 therefore relate to rules for playing games as such. No opinion with regard to novelty and/or inventive step will be established for these claims and the claims depending thereon.

**Independent Claim 43**

10. For the same reasons as listed under section 3 above, the claimed features of claim 43 are also separated into technical and non-technical features. As a result of this, the technical aspects of the claimed invention relates to:

A network computer for providing a game in a gaming network having a plurality of operatively coupled gaming units configured to provide at least one wagering game, comprising:

- a network computer memory device; and
- a network computer controller operatively coupled to the network computer memory device and the gaming units,
- the network computer controller being programmed to cause the network computer memory device to store.

This matter will later on be examined with respect to novelty and/or inventive step. It is noted that these technical features are also present in all the list of technical features of claim 20.

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability**

**Independent Claim 1**

11. The non-technical aspects of the claim (section 4) cannot contribute to the inventive step of that claim. The technical features of claim 1 have been established under section 5 above.

Document D1, which is considered to be the closest prior art, discloses a device for:

- conducting a game over a network having a plurality of operatively coupled

- gaming units at which a player may be awarded an award ("A linked progressive system is one where a plurality of gaming machines are linked via a network to a central controller. The linked gaming machines or the central controller allow players of those machines to compete for a jackpot prize."), [0004];
- receiving a deposit of an amount of a medium of currency by a player at a gaming unit (implicit, as figure 1 reveals that the machine also "houses a credit input mechanism 24 including a coin input chute 24.1 and a bill collector 24.2." [0025] );
  - receiving input at an input device of the gaming unit (" (...) a bank 22 of buttons for enabling a player to play the game 16 (...)"; [0025]);
  - wherein the players available credit corresponds to the amount of the medium of currency deposited at the gaming unit (figures 5a, 5b, 6, 7a, 7b, 7c, 9, 10, top right corner thereof, sign reading "\$1 buys 10 credits");
  - awarding an award to the player ("A coin tray 30 is mounted beneath the console 12 for cash payouts from the machine 10.", [0027]; and: "(...) the machine awards a prize to a player (...)", [0005].

Therefore, all the technical aspects of the claim are known from the closest prior art, and therefore cannot contribute to the inventive step of the claim, either.

For assessing the inventive step of claim 1, all features, both technical and non-technical, have been discussed. None of the features are found to be contributing to the inventive step of claim 1, which therefore does not meet the requirements of Article 33(3) PCT.

#### **Independent Claim 6**

12. All technical features (as established under section 6, above) are also present in claim 1, and are therefore known from D1. Therefore, none of the features of claim 6, both technical and non-technical, can contribute to the inventive step of claim 6, which therefore does not meet the requirements of Article 33(3) PCT.

#### **Independent Claim 12**

13. All technical features (as established under section 7, above) are also present in claim 1, and are therefore known from D1. Therefore, none of the features of claim 12, both technical and non-technical, can contribute to the inventive step of claim 12, which therefore does not meet the requirements of Article 33(3) PCT.

**Independent Claim 20**

14. What is claimed is "a network computer having a plurality of operatively coupled gaming units". In the opinion of the Examiner, this does not comprise the plurality of operatively coupled gaming units in the scope of the claim. What is left is a network computer.

This claim further encompasses:

- a network computer memory device; and
- a network computer controller operatively coupled to the network computer memory device and the gaming units,
- the network computer controller being programmed,
- the network computer controller being configured to receive information transmitted by the gaming units on the gaming network,
- the network computer controller being programmed to cause the network computer memory device to store.

These are the features of a common place network server, as well known and in use years before the priority date of the present application, 2003. The existence of such a network computer does not require further evidence.

**Note:** Even if the plurality of operatively coupled gaming units would fall under the scope of the claim, this would still be disclosed in D1, [0004], first sentence: "A linked progressive system is one where a plurality of gaming machines are linked via a network to a central controller."

Therefore, all features of claim 20, both technical and non-technical, do not contribute to the inventive step of the claim. The claim therefore does not meet the requirements of Article 33(2) PCT.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2004/029912

**Independent Claim 43**

15. The subject-matter of claim 43 does not extend beyond the subject-matter of claim 20. Therefore, the features of claim 43, too, both technical and non-technical, do not contribute to the inventive step of claim 43. The claim therefore does not meet the requirements of Article 33(2) PCT.

**Dependent Claims**

16. The features of the other dependent claims, insofar as they are not known from the documents cited in the Search Report for the same purpose as in the present application, are generally known to a person skilled in the art, and therefore, do not produce an inventive step.

**Re Item VII**

**Certain defects in the international application**

17. It is noted that the present application contains an undue number of independent claims per category. Referring to the Guidelines, Chapter 5.42 and Rule 6.1(a) PCT, this is not allowable. Therefore, the requirement of clarity as laid down in Article 6 PCT is not met.

Should this deficiency not be remedied there will be no further written opinion by the International Preliminary Examination Authority on the claims which do not meet the above mentioned requirements.

**Re Item VIII**

**Certain observations on the international application**

18. The first paragraph of the description of the application ends with an incorporation by reference. This will not be allowed. The Applicant is kindly requested to delete the relevant line.